

MINUTES

MONTANA SENATE 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 15, 2017 at 9:00 AM, in Room 303 Capitol

ROLL CALL

Members Present:

Sen. Keith Regier, Chair (R)
Sen. Jennifer Fielder, Vice Chair (R)
Sen. Carlie Boland (D)
Sen. Jen Gross (D)
Sen. Steve Hinebaugh (R)
Sen. Jedediah Hinkle (R)
Sen. Margaret (Margie) MacDonald (D)
Sen. Diane Sands (D)
Sen. Nels Swandal (R)
Sen. Chas Vincent (R)

Members Excused: Sen. Scott Sales (R)

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Pam Schindler, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 99, 2/7/2017; SJ 11, 2/7/2017; SB 202, 2/8/2017
Executive Action: SB 175-Do Pass As Amended, SB 176-Do Pass As Amended,
SB 177-Do Pass, SB 200-Do Pass,
HB 64-Be Concurred In/Motion Withdrawn

00:01:04 Vice Chair Fielder assumed the role of Chair.

HEARING ON SJ 11

Opening Statement by Sponsor:

00:01:17 Sen. Keith Regier (R), SD 3, opened the hearing on SJ 11, Generally revise self-defense laws.

Proponents' Testimony:

00:03:41 Gary Marbut, president, Montana Shooting Sports Association; gun safety instructor

[EXHIBIT\(jus33a01\)](#)

00:15:32 Garrett Bacon, self

Opponents' Testimony:

None

Informational Testimony:

None

Questions from Committee Members and Responses:

None

Closing by Sponsor:

00:16:17 Sen. Regier

00:16:52 Chairman Regier resumed the role of Chair.

HEARING ON SB 99

Opening Statement by Sponsor:

00:17:17 Sen. Cary Smith (R), SD 27, opened the hearing on SB 99, Prohibit enforcement of new federal gun laws by Montana public employees.

Proponents' Testimony:

00:20:57 Gary Marbut, president, Montana Shooting Sports Association; gun safety instructor

00:25:07 Garrett Bacon, self

Opponents' Testimony:

00:26:07 Mark Murphy, Montana Association of Chiefs of Police, Montana Police Protective Association
00:31:52 Dave Galt, Montana Sheriffs and Peace Officers Association (MSPOA)
00:32:58 Don Jones, MEA-MFT
00:33:51 Rachel Carroll Rivas, co-director, Montana Human Rights Network

Informational Testimony:

None

Questions from Committee Members and Responses:

00:35:43 Sen. Fielder
00:36:04 Sen. Smith
00:36:59 Sen. MacDonald
00:37:28 Mr. Galt, MSPOA
00:39:17 Sen. Fielder
00:39:50 Sen. Smith
00:42:03 Sen. Gross
00:42:17 Sen. Smith

Closing by Sponsor:

00:43:23 Sen. Smith
00:51:22 Sen. MacDonald

HEARING ON SB 202

Opening Statement by Sponsor:

00:52:01 Sen. Jedediah Hinkle (R), SD 32, opened the hearing on SB 202, Prohibit post of no trespassing sign on another's property.

Proponents' Testimony:

00:56:30 Nick Gevock, conservation director, Montana Wildlife Federation

Opponents' Testimony:

00:58:14 Shelby DeMars, United Property Owners of Montana (UPOM)

Informational Testimony:

00:59:01 Ron Jendro, assistant chief of enforcement, Montana Fish, Wildlife, and Parks (FWP)

Questions from Committee Members and Responses:

00:59:22 Sen. Gross
 00:59:39 Ms. DeMars, UPOM
 01:01:33 Sen. Hinebauch
 01:02:43 Sen. Hinkle
 01:04:25 Mr. Jendro, FWP
 01:04:46 Sen. Hinebauch
 01:05:01 Sen. Hinkle

Closing by Sponsor:

01:05:20 Sen. Hinkle
 01:05:56 Brief Recess
 01:25:21 Reconvene

EXECUTIVE ACTION ON SB 175

01:25:56 **Motion:** Sen. Fielder moved that **SB 175 DO PASS.**

01:27:37 **Motion:** Sen. Fielder moved that **SB 175 BE AMENDED.**
[EXHIBIT\(jus33a02\)](#)

Discussion:

01:27:45 Julianne Burkhardt, Legislative Services Division (LSD)
 01:29:34 Sen. Fielder
 01:29:51 Chairman Regier
 01:30:00 Ms. Burkhardt, LSD
 01:31:13 Sen. MacDonald
 01:32:01 Ms. Burkhardt
 01:33:58 Chairman Regier
 01:34:14 Sen. MacDonald
 01:34:54 Sen. Fielder
 01:35:54 Sen. Vincent
 01:36:28 Sen. Sands

01:38:05 **Vote:** Motion failed 1-10 by roll call vote with Sen. K. Regier voting aye. Sen. S. Sales voted by proxy.

01:38:10 **Motion:** Sen. Vincent moved that **SB 175 BE AMENDED.**
[EXHIBIT\(jus33a03\)](#)

Discussion:

01:39:23 Sen. Sands
 01:39:28 Sen. Vincent
 01:39:33 Ms. Burkhardt
 01:40:01 Sen. Fielder

01:41:04 Sen. Sands
 01:41:54 Sen. Fielder
 01:42:40 Ms. Burkhardt
 01:44:16 Chairman Regier
 01:44:29 Sen. MacDonald
 01:44:44 Sen. Sands
 01:45:58 Ms. Burkhardt
 01:46:48 Sen. Sands
 01:47:33 Chairman Regier
 01:47:40 Sen. Vincent

01:48:05 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

01:48:17 **Motion:** Sen. Fielder moved that **SB 175 DO PASS AS AMENDED.**

Discussion:

01:48:33 Sen. Gross
 01:49:22 Sen. Sands
 01:50:10 Sen. Swandal

01:50:50 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 176

01:51:28 **Motion:** Sen. Fielder moved that **SB 176 DO PASS.**

01:52:47 **Motion:** Sen. Vincent moved that **SB 176 BE AMENDED.**
[**EXHIBIT\(jus33a04\)**](#)

Discussion:

01:53:23 Sen. Sands

01:53:40 **Vote:** Motion carried unanimously by voice vote. Sen. S. Sales voted by proxy.

01:53:53 **Motion:** Sen. Fielder moved that **SB 176 DO PASS AS AMENDED.**

01:54:13 **Motion:** Sen. Fielder moved that **SB 176 BE AMENDED.**
[**EXHIBIT\(jus33a05\)**](#)

Discussion:

01:55:05 Julianne Burkhardt, Legislative Services Division
 01:57:17 Sen. Hinkle
 01:57:50 Sen. Sands
 01:58:45 Chairman Regier
 01:59:09 Sen. Vincent
 01:59:58 Sen. Swandal

02:00:32 Chairman Regier
02:00:40 Sen. Hinkle
02:01:15 Sen. MacDonald
02:02:02 Sen. Fielder

02:03:40 **Vote:** Motion carried 9-2 by roll call vote with Sen. Gross and Sen. MacDonald voting no. Sen. S. Sales voted by proxy.

02:04:21 **Motion:** Sen. Fielder moved that **SB 176 DO PASS AS AMENDED.**

Discussion:

02:04:35 Sen. Swandal
02:04:52 Ms. Burkhardt

02:05:35 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 177

02:06:29 **Motion:** Sen. Fielder moved that **SB 177 DO PASS.**

Discussion:

02:06:57 Sen. MacDonald
02:07:40 Sen. Fielder
02:08:56 Sen. Gross

02:10:03 **Vote:** Motion carried 7-4 by roll call vote with Sen. Boland, Sen. Gross, Sen. MacDonald and Sen. Sands voting no. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 200

02:10:29 **Motion:** Sen. Fielder moved that **SB 200 DO PASS.**

Discussion:

02:10:53 Sen. Fielder
02:12:20 Sen. Hinkle
02:12:35 Sen. Fielder
02:12:53 Sen. Sands

02:13:37 **Vote:** Motion carried unanimously by roll call vote. Sen. S. Sales voted by proxy.

EXECUTIVE ACTION ON SB 170

Committee Discussion:

02:14:31 Sen. Gross
02:15:00 Chairman Regier

02:15:04 Sen. Sands

EXECUTIVE ACTION ON HB 64

02:15:48 **Motion:** Sen. Fielder moved that **HB 64 BE CONCURRED IN.**

Discussion:

02:16:32 Julianne Burkhardt, Legislative Services Division

02:16:52 Sen. Fielder

02:17:00 Without objection, Sen. Fielder withdrew the BE CONCURRED IN motion.

02:17:06 Sen. Gross

Committee Discussion:

02:18:01 Chairman Regier

02:18:37 Sen. Sands

ADJOURNMENT

Adjournment: 11:20 A.M.

Pam Schindler, Secretary

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Additional Documents:

EXHIBIT([jus33aad.pdf](#))